

IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION
JEFFERSON RIVER BASIN (41G)
PRELIMINARY DECREE

CLAIMANTS: Jody L. Sandru; Rick R. Sandru

OBJECTORS: Jody L. Sandru; Rick R. Sandru

CASE 41G-0519-R-2022

41G 16805-00

41G 35200-00

41G 35211-00

41G 35232-00

41G 191351-00

ORDER AMENDING AND ADOPTING MASTER'S REPORT

Pursuant to Montana Code Annotated, Section 85-2-233(5), Case 41G-0519-R-2022 was assigned to Senior Water Master Madeleine Weisz. The Water Master filed a Report containing Findings of Fact and Conclusions of Law with the Clerk of Court. Copies of the Report were served on the parties on December 16, 2022. On December 21, 2022, Rick and Jody Sandru filed an Objection to the Master's Report indicating a correction was needed.

The Sandrus point out that their motion to amend claim 41G 35232-00 requested five distinct place of use descriptions, but one of the places of use was omitted in the proposed abstract attached to the motion. The omission was carried through to the Master's Report and the post decree abstract for claim 41G 35232-00.

The omitted place of use is the NWSENE of Section 24, T2S, R6W. The place of use as it appeared in the Basin 41G Preliminary Decree was the NE of Section 24, 2S, 6W. The Sandrus' requested place of use is encompassed by the place of use appearing in the Preliminary Decree and may be accepted without further presentation of evidence. A fifth place of use in the NWSENE of Section 24, T2S, R6W should be added to the post decree abstract for claim 41G 35232-00.

The Court has reviewed the Water Master's Findings and Conclusions. Pursuant to Rule 53(e), Montana Rules of Civil Procedure, the Court **ADOPTS** the Master's Report with the above referenced amendments.

Corrected Post-Decree Abstracts are attached to confirm the place of use in the NWSENE of Section 24, T2S, R6W is added to the abstract for claim 41G 35232-00.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via Electronic Mail:

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**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JEFFERSON RIVER
BASIN 41G**

Water Right Number: 41G 16805-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: RICK R SANDRU
480 BAYERS LN
TWIN BRIDGES, MT 59754 9615

JODY L SANDRU
480 BAYERS LN
TWIN BRIDGES, MT 59754 9615

Priority Date: JUNE 30, 1919

Type of Historical Right: USE

Purpose (use): STOCK

Flow Rate: 30.00 GPM

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: BAIN SPRINGS

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNE	31	2S	5W	MADISON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

2		SWNWNE	31	2S	5W	MADISON
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: PIPELINE

3		N2NENW	31	2S	5W	MADISON
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

WATER IS DIVERTED BY A GRAVITY FLOW PIPELINE TO STOCK TANKS. IN ADDITION, WATER FROM THE SOURCE IS DIRECTLY UTILIZED AT THE POINT OF DIVERSION.

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NWNE	31	2S	5W	MADISON
2			N2NENW	31	2S	5W	MADISON
3			NWSESE	25	2S	6W	MADISON

4

SWNENW

25

2S

6W

MADISON

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JEFFERSON RIVER
BASIN 41G**

Water Right Number: 41G 35200-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: RICK R SANDRU
480 BAYERS LN
TWIN BRIDGES, MT 59754 9615

JODY L SANDRU
480 BAYERS LN
TWIN BRIDGES, MT 59754 9615

Priority Date: DECEMBER 31, 1931

Type of Historical Right: USE

Purpose (use): DOMESTIC

Flow Rate: 25.00 GPM

Volume: 3.00 AC-FT

Households: 2

***Source Name:** SPRING, UNNAMED TRIBUTARY OF SPRING REEF CREEK

Source Type: GROUNDWATER

***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	24	2S	6W	MADISON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: PIPELINE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SENE	24	2S	6W	MADISON

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

35200-00

35209-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JEFFERSON RIVER
BASIN 41G**

Water Right Number: 41G 35211-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: RICK R SANDRU
480 BAYERS LN
TWIN BRIDGES, MT 59754 9615

JODY L SANDRU
480 BAYERS LN
TWIN BRIDGES, MT 59754 9615

Priority Date: OCTOBER 10, 1929

Type of Historical Right: FILED

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: JEFFERSON RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESESW	23	2S	6W	MADISON

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: DITCH

Ditch Name: POGSON DITCH

Period of Use: APRIL 1 TO OCTOBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			S2SE	13	2S	6W	MADISON
2			W2	24	2S	6W	MADISON
3			NE	24	2S	6W	MADISON
4			NWNWSE	24	2S	6W	MADISON

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

35211-00

35228-00

46135-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JEFFERSON RIVER
BASIN 41G**

Water Right Number: 41G 35232-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: RICK R SANDRU
480 BAYERS LN
TWIN BRIDGES, MT 59754 9615

JODY L SANDRU
480 BAYERS LN
TWIN BRIDGES, MT 59754 9615

Priority Date: DECEMBER 31, 1864

Type of Historical Right: FILED

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: SPRING REEF CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENE	24	2S	6W	MADISON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

2		NENE	24	2S	6W	MADISON
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

3		SESE	13	2S	6W	MADISON
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

STOCK DRINK DIRECTLY FROM THE SOURCE IN THE NENE OF SECTION 24, T2S, R6W AND THE SESE OF SECTION 13, T2S, R6W. THE POINT OF DIVERSION IN THE SENE OF SECTION 24, T2S, R6W IS A DAM DIVERTING WATER INTO A SMALL RESERVOIR. FROM THERE, WATER IS DIVERTED INTO DITCHES AS PART OF A DIRECT FLOW SYSTEM.

Reservoir: ONSTREAM **Reservoir Name:** MILLER RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SENE	24	2S	6W	MADISON

Diversion to Reservoir: DIVERSION # 1

Surface Area: 0.25 ACRES

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			S2SE	13	2S	6W	MADISON
2			N2NE	24	2S	6W	MADISON
3			SWNE	24	2S	6W	MADISON
4			SENE	24	2S	6W	MADISON
5			NWSENE	24	2S	6W	MADISON

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
JEFFERSON RIVER
BASIN 41G**

Water Right Number: 41G 191351-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: RICK R SANDRU
480 BAYERS LN
TWIN BRIDGES, MT 59754 9615
JODY L SANDRU
480 BAYERS LN
TWIN BRIDGES, MT 59754 9615

Priority Date: APRIL 20, 1911
Type of Historical Right: DECREED
Purpose (use): IRRIGATION
Irrigation Type: SPRINKLER/FLOOD
Flow Rate: 5.00 CFS
Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.
Climatic Area: 4 - MODERATELY LOW
***Maximum Acres:** 270.00
Source Name: DRY BOULDER CREEK
Source Type: SURFACE WATER
Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNENW	35	2S	5W	MADISON
Period of Diversion:	APRIL 20 TO JULY 15					
Diversion Means:	HEADGATE					
Period of Use:	APRIL 20 TO JULY 15					

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	80.00		NW	29	2S	5W	MADISON
2	150.00		S2	29	2S	5W	MADISON
3	40.00		S2SW	28	2S	5W	MADISON
Total:	270.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

40643-00

40644-00

40645-00

191351-00

191352-00

AUTHORIZATION TO CHANGE THE POINT OF DIVERSION AND PLACE OF USE ISSUED 07/06/1995. NOTICE OF COMPLETION DUE 12/31/1996. SEE 41G 040643-01.